

Notice of Allowability

Application No.

10/020,697

Examiner

Ted T. Vo

Applicant(s)

CASHIN ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 8/17/05.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ted T. Vo
Primary Examiner

1. This paper is in response to Applicants' filing Appeal brief on 8/17/05. Claims 5, 10, and 15 have been allowed as indicated in the prior advisory action. The Claims 1-4, 6-9, 11-14 were rejected by the prior art of record, Teoman et al (US No. 6,370,614 B1).

Teoman discloses a method using a configurable preload cache for accessing and caching software such as driver objects. In order to perform accessing and caching, Teoman's FIG. 6 shows file 15 and driver objects are used in preloading process. When the file 15 is first opened for access, an I/O manager instantiates a file object 105 (preload object) in system memory to represent the file 15. The attributes in the file object are pointed to a driver object and File 15 in a mass storage. Checking data integrity is also done periodically in association with preloading. To further detail how the data (FILE 15) and driver objects can be compared, Teoman picks a portion DRIVER OBJECT 109 and USER CACHE DRIVER 45 in FIG. 6, where Teoman describes, *"access packet 114 that include a handle to the file object and values indicating the amount of data to be accessed"* (Column 12, lines 2-4), and *"The user cache driver 45 compares the blocks indicated by the access packet 114 to the directory of the user cache 25"* (column 12, lines 18-21). Teoman is the closest art of record that discloses the functionality as mentioned above. However, Applicants appeal and argue that Teoman's teaching of comparing is not the same as comparing attributes of a software element object with attributes of a preload object (Brief: p. 6).

Reasons for Allowance

2. Claims 1-15 are allowed.

Applicants points out comparing of data in user cache against the corresponding data in the mass storage data is not the same as comparing attributes of a software element object with attributes of a preload object (Brief: p. 6). Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention comprising at least features,

Art Unit: 2192

"comparing attributes of said one or more software element objects with said one or more attributes of said particular preload object", as recited in such manners in independents Claims 1, 5, 6, 10, 11, 15.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo
Primary Examiner
Art Unit 2192
September 30, 2005